

### COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	1813.01
COMPLAINT INVESTIGATOR:	Brenda Alyea
DATE OF COMPLAINT:	October 4, 2001
DATE OF REPORT:	October 31, 2001
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	December 12, 2001

### COMPLAINT ISSUES:

Whether the Jay School Corporation violated:

511 IAC 7-27-4(a)(3) with regard to the school's alleged failure to convene a case conference committee for student A and student B at the parent's request.

511 IAC 7-27-3(a)(3) with regard to the school's alleged failure to include a general education teacher in the May 8, 2001, case conference committee meeting for student A.

511 IAC 7-27-2(c) and (d) with regard to the school's alleged failure to provide the parent with adequate written notice of the case conference committee meeting.

### FINDINGS OF FACT:

1. Student A is seven years old, is in the 1<sup>st</sup> grade, and is eligible for special education services as a student with a communication disorder. Student B is eight years old, is in the 2<sup>nd</sup> grade, and is eligible for special education services as a student with a hearing impairment and a communication disorder.
2. The complainant has requested that case conference committees be reconvened for Student A and Student B. The Director of Special Education responded to the Complainant by letter stating that, after having been advised by the father of Student A and Student B that he did not want to reconvene case conference committee meetings for either student, the Complainant's request for CCC meetings was denied.
3. The school has on file a copy of an order from the Jay Superior Court, dated February 20, 2001, finding that joint custody had previously been awarded to the Complainant and the students' father, "including the child's education..." The Complainant continues to share joint custody of Students A and B, and had previously been invited to and attended CCC meetings for the students.
4. The complainant asserts that the school failed to include a general education teacher at Student B's case conference committee (CCC) meeting on May 8, 2001. The case conference committee meeting membership form for that meeting lists the general education teacher by name, but the name was not marked as either invited or attending. Student B participates in general education.
5. The Complainant asserts that the CCC for Student B was convened on April 11, 2001, and the School failed to notify her. The CCC membership form documents who is invited to the CCC

meeting and who actually attends. The form does not indicate that the Complainant was invited to the CCC meeting. The Complainant has been notified of and attended other CCC meetings for Student B.

## **CONCLUSIONS:**

1. Findings of Fact #2 and #3 establish that the School was aware that the Complainant shares joint custody for Students A and B and that joint custody includes educational decisions. The School denied the Complainant's request to reconvene the CCC meeting; therefore, a violation of 511 IAC 7-27-4(a)(3) is found.
2. Finding of Fact #4 indicates that Student B participates in general education, but that no general education teacher attended the CCC meeting convened on May 8, 2001. Therefore, a violation of 511 IAC 7-27-3(a)(3) is found.
3. Finding of Fact #5 reflects that the Complainant has joint custody of Student B and is entitled to adequate written notice of CCC meetings convened for Student B. The School failed to notify the Complainant of the April 11, 2001, CCC meeting. Therefore, violations of 511 IAC 7-27-2 (c) and (d) are found.

## **The Department of Education, Division of Special Education requires the following corrective action based on the Findings of Fact and Conclusions listed above.**

1. Send a memorandum to all appropriate school personnel reminding them that a CCC must be convened upon a parent's request, including a parent who shares joint custody, regardless of whether the parent also has physical custody of the student. A copy of the memorandum and the list of memorandum recipients shall be submitted to the Division no later than November 30, 2001.
2. Submit a letter of assurance to the Division no later than November 30, 2001, stating that a general education teacher will attend all case conference committee meetings when the student is or may be participating in the general education environment. The Director of Special Education shall sign the letter of assurance.
3. Send a memorandum to all appropriate school personnel reminding them that the Complainant is to be invited to and receive notice of all CCC meetings scheduled for Students A and B. A copy of the memorandum and a list of the memorandum recipients shall be submitted to the Division no later than November 30, 2001.

DATE REPORT COMPLETED: October 31, 2001